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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Best practices and specific measures to ensure access to birth registration, particularly for those children most at risk*

Report of the United Nations High Commissioner for Human Rights

Summary

The present report was prepared in accordance with resolution 34/15 of the Human Rights Council, in which the Council requested the United Nations High Commissioner for Human Rights to prepare a report on best practices and specific measures to ensure access to birth registration, particularly for those children most at risk, marginalized and living in situations of conflict, poverty, emergency or vulnerability, including children belonging to minority groups, children with disabilities, indigenous children, and children of migrants, asylum seekers, refugees and stateless persons, taking into account the commitment to implement target 16.9 of the Sustainable Development Goals.

* The present document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B.

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I. Introduction

1. In its resolution 34/15, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare a report on best practices and specific measures to ensure access to birth registration, particularly for those children most at risk, marginalized and living in situations of conflict, poverty, emergency or vulnerability, including children belonging to minority groups, children with disabilities, indigenous children, and children of migrants, asylum seekers, refugees and stateless persons, taking into account the commitment to implement target 16.9 of the Sustainable Development Goals, and to submit the report to the Human Rights Council at its thirty-ninth session.[1]

2. The present report follows two prior reports to Human Rights Council addressing the right to birth registration, entitled "Birth registration and the right of everyone to recognition everywhere as a person before the law"[2] and "Strengthening policies and programmes for universal birth registration and vital statistics development".[3] It provides examples of good practices, informed by written contributions received from 16 States and 14 civil society organizations as well as United Nations agencies and other international entities.[4]

3. All children have a right to birth registration and to be recognized as persons before the law, and States must register all children immediately at birth without discrimination of any kind. Birth registration is a key step to establishing the legal recognition of a child, and subsequently to upholding their rights throughout their lives. For example, birth registration provides a fundamental basis for claiming the right to citizenship, and associated civil and political rights, such as the right to vote, and is often requested when a person is seeking to access employment, health care, education, or welfare services.

4. Ensuring birth registration is crucial to protecting children from abuse, exploitation and violence. When a child is not registered at birth, he or she faces a heightened risk of statelessness, discrimination and abuse, particularly in the form of child labour, recruitment into armed forces, trafficking, or child marriage.

5. The Convention on the Rights of the Child defines the obligation of States to ensure the right to birth registration and to legal identity for all children. These obligations are further reflected across multiple human rights conventions and instruments. In the 2030 Agenda for Sustainable Development, States committed themselves to implementing the right to legal identity and universal birth registration for all children by 2030, under target 16.9.

6. Although global birth registration rates have increased in recent decades, it is of great concern that, according to the United Nations Children's Fund (UNICEF), 290 million children still do not have a birth certificate.[5] Children born into certain circumstances are much more likely to miss out on birth registration, particularly those living in situations of poverty, conflict or other emergencies, and children belonging to minority groups, children with disabilities, indigenous children, and the children of migrants, asylum seekers, refugees or stateless persons. The birth registration measures currently in place are therefore failing millions of the most excluded children worldwide, who are rendered even more vulnerable to violence, abuse and exploitation.

7. Effective, human rights-based approaches are crucial to make the substantial improvements necessary to achieve universal birth registration, by reaching those who are the most marginalized and living in vulnerable situations. Active and targeted measures must be taken to reach them, and the examples of good practice summarized in the present

[1] See Human Rights Council resolution 34/15, para. 19.

[2] A/HRC/27/22.

[3] A/HRC/33/22.

[4] Available at www.ohchr.org/EN/Issues/Children/ThematicReports/Pages/BirthRegistrationVulnerableMarginalizedChildren.aspx.

[5] UNICEF, *Every Child's Birth Right: Inequities and Trends in Birth Registration* (New York, 2013).

report indicate that this has already been done in many countries. States can build on these examples to overcome barriers to realizing the right to birth registration so that all children are made visible, can be counted, and are supported in claiming their rights.

II. International legal framework

8. The right of all children to recognition as persons before the law is made clear in article 6 of the Universal Declaration of Human Rights, and the right to birth registration is specified in article 7 of the Convention on the Rights of the Child. The right of children to be registered immediately after birth is also stated in article 24 of the International Covenant on Civil and Political Rights. [6]

9. The Committee on the Rights of the Child recommends that States take all necessary measures to ensure that all children are registered at birth through a universal, well-managed registration system that is accessible to all and free of charge.[7] All children should have access to birth registration in the country where they are born, including non-nationals, asylum seekers, refugees and stateless children.[8]

10. The right to birth registration and legal identity is, furthermore, reflected in the International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families (art. 29) and the Convention on the Rights of Persons with Disabilities (art. 18). International refugee and humanitarian law, including the Convention on the Reduction of Statelessness, defines State obligations to realize the right to birth registration for the children of refugees, asylum seekers and stateless persons.

11. Birth registration should be provided in accordance with the general child rights principles of non-discrimination, the best interests of the child, their right to life, survival and development, and the right of the child to express his or her views. In addition, States must fulfil the right to birth registration without discrimination of any kind on the basis of the child's or his or her guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.[9]

III. Risks for marginalized children and those in vulnerable situations

12. The children who are missing out on birth registration are primarily those who are the most marginalized, subjected to discrimination and living in vulnerable situations.[10] For example, even in countries with high overall registration rates, children from the poorest households are approximately twice as likely to be unregistered as those from the richest.[11]

13. Children who are not registered at birth are placed at increased risk of further rights violations throughout their lives. Birth registration is fundamental to protecting children from violence, statelessness, abduction or sale, and other forms of exploitation and abuse. Children lacking a birth certificate are also at risk of being left out from health systems and from access to immunization and schooling, among other rights violations.

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[6] The international legal framework with respect to birth registration and the right to legal identity has been analysed in detail in previous reports submitted to the Human Rights Council. See A/HRC/27/22 and A/HRC/33/22.

[7] See A/HRC/27/22.

[8] Ibid.

[9] See article 2 of the Convention on the Rights of the Child; see also A/HRC/28/13.

[10] See A/HRC/33/22.

[11] Ibid.

A. Child trafficking, sale of children and child labour

14. The legal invisibility of unregistered children makes them more vulnerable to trafficking, sale, child labour and illegal adoption. This is exacerbated by the fact that cases of a child's disappearance or exploitation are more easily hidden from authorities when the child does not legally exist in national registers. Migrant children without birth registration or a birth certificate are especially vulnerable to exploitation and abuse, particularly if they are in an irregular situation. In such a context, they may come into contact with illicit intermediaries who are involved in these forms of exploitation.

15. Birth registration is a crucial step in protecting children from child labour, as it provides an essential means of proving their age when it is below the minimum age of employment. It is important in this respect to consider, however, that falsified birth certificates are used in some cases to indicate an inaccurate age of a child. In order to prevent child labour effectively, minimum ages for employment in line with international human rights and employment standards must be monitored and enforced. Birth registration also serves to protect children in conflict with the law by supporting the right to neither be prosecuted as adults, nor detained with adults,[12] and is a crucial element in combating child marriage, including by supporting the enforcement of laws prohibiting this violation of children's rights.

B. Children born into poverty and exclusion

16. The barriers to accessing birth registration can be insurmountable for children born into poverty, who may live in rural areas without affordable access to transport, in households with very low incomes and literacy levels, and whose parents often have limited awareness of their rights and how to claim them. In many countries, birth registration processes are overly complex and time-consuming, with multiple steps before a birth certificate is issued, fees for registration, and fines or penalties for late registration. The costs involved and time required for transport to registration offices can be prohibitive for families who are struggling to survive.

17. In some countries, birth registration is contingent on the provision of prior documentation, such as parents' birth or marriage certificates, or their residence permits, which for families living in poverty or in remote areas may be difficult or impossible to obtain. A lack of awareness about procedures, and about the rights and benefits associated with birth registration, and a lack of information on birth registration in local and minority languages, exacerbates these obstacles for the poorest families.[13]

C. Gender discrimination

18. Discriminatory laws and practices have adverse effects on birth registration rates. Registration may be prevented due to discrimination on the grounds of a child's or his or her parent's gender, ethnicity, race or religion, or on other grounds. Gender discrimination is a serious barrier to registration in countries where only men are legally allowed to register a child, or where both the mother, together with the father or another male relative, must be present in order to do so. Such laws discriminate against the mother, and prevent the registration of children who are born as a result of rape or out of wedlock. Mothers may also be reluctant to approach authorities in contexts where births out of wedlock are highly stigmatized. Children from non-traditional family arrangements also risk not being registered due to discrimination, such as those born to sex workers or same-sex couples, among others.[14]

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[12] See arts. 37 and 40 of the Convention on the Rights of the Child.

[13] Submission from ATD Fourth World.

[14] See A/HRC/23/50, para. 86.

19. Regulations and practices that discriminate on the grounds of gender and prevent registration can lead to statelessness. Children are at risk of being left stateless in countries where discriminatory laws prevent women from conferring their nationality on their child, particularly when the father does not acknowledge the child. Many countries give a woman unequal and lesser rights than a man to pass on citizenship to their children,[15] and often mothers are only allowed to confer nationality to children in specific circumstances, such as where the father is unknown or stateless. In addition, procedural requirements for the conferral of citizenship may be imposed on mothers which are not placed on fathers.[16]

20. Intersex children are often discriminated against in the context of birth registration processes, and special measures are needed to ensure their registration. They are at risk of undergoing medical procedures seeking to "normalize" their gender in order to satisfy requirements that they be registered as either male or female, when they are too young to provide their consent and decide how they wish to register their gender status.[17]

D. Children with disabilities

21. According to UNICEF estimates, between 93 million and 150 million children live with disability globally, and children with disabilities are overrepresented among those lacking a birth certificate.[18] They are thereby placed at risk of remaining invisible to society, institutionalized, and neglected or left out from essential health, education and other services.[19] In many cases their non-registration is due to reluctance on the part of their parents or families to register their births, on the basis of cultural prejudice or social stigma.[20] Further to this, in some countries there are laws that directly or indirectly discriminate against the birth registration of children with disabilities.

22. Children with disabilities are at risk of infanticide at birth in contexts where they or their families are subject to intense social discrimination and stigma, and girls with disabilities are at the greatest risk of this violation of their right to life.[21] As a lack of birth registration leads to a child's invisibility due to a lack of legal recognition by the State, in the absence of an official record of their birth such crimes occur with impunity.[22] The vulnerabilities precipitated by failures to register the births of children with disabilities are exacerbated in emergency settings, where they are at heightened risk of abuse, neglect, exploitation, abandonment and exclusion from humanitarian assistance.[23]

E. Indigenous and minority children

23. Minorities and indigenous peoples are especially vulnerable to not being registered at birth, and face heightened obstacles when they live in remote or border areas, are nomadic or migrate, seek asylum or are refugees, or live in areas affected by conflict or humanitarian situations.[24] Registration systems often directly or indirectly discriminate against indigenous and minority children, for example due to prior documentary

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[15] Equality Now, *The State We're In: Ending Sexism in Nationality Laws* (2016).

[16] Submission from Equality Now and submission from Women Enabled International.

[17] Submission from the Children Education Society.

[18] UNICEF, "Children and young people with disabilities: fact sheet" (2013), p. 10.

[19] See Committee on the Rights of the Child, general comment No. 9 (2006) on the rights of children with disabilities.

[20] See Committee on the Rights of the Child, general comment No. 7 (2005) on implementing child rights in early childhood; and UNICEF, *Promoting the Rights of Children with Disabilities* (2007).

[21] See Committee on the Rights of Persons with Disabilities, general comment No. 3 (2016) on women and girls with disabilities.

[22] See Committee on the Rights of Persons with Disabilities, general comment No. 1 (2014) on equal recognition before the law.

[23] See Committee on the Rights of the Child, general comment No. 9; and UNICEF and Handicap International, *Guidance on Including Children with Disabilities in Humanitarian Action* (2017).

[24] UNICEF, *Every Child's Birth Right*.

requirements that they cannot satisfy, as earlier generations are unlikely to have been able to register their vital events or to be in possession of civil registration documents.[25]

24. Registration forms may not be made available in indigenous or minority languages, and there is often inadequate awareness within these communities of the right to, and benefits of, birth registration. Lower birth registration rates among minority and indigenous children contribute to their exclusion from national policies and programmes, and can lead to chronic underestimation of child mortality rates in these communities due to the lack of data on their births and deaths in national registers.[26]

F. Children born in a migration or displacement context

25. Birth registration is fundamental to the prevention of statelessness, and is essential to protect children born to parents who are in an irregular migration situation, or to refugee or asylum-seeking parents. While birth registration in itself does not confer citizenship on a child, it can demonstrate the link between an individual and the State, by documenting where a child was born and who the child's parents are. When a child's birth is not registered, they are at heightened risk of statelessness if, for example, they lack evidence to prove their right to a nationality and the State refuses to acknowledge them as a citizen.

26. In some countries, discriminatory policies and practices persist with respect to the birth registration of children of migrant persons in irregular situations, refugees and asylum seekers. For instance, when criminalized, irregular migration has proved to be a deterrent to child birth registration, because parents usually fear detention and/or deportation and therefore try to avoid all contact with local authorities.[27] In this respect, the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommend to States to remove legal and practical obstacles to birth registration, including by prohibiting data sharing between health-care providers or civil servants responsible for registration, on the one hand, and immigration enforcement authorities, on the other, and by not requiring parents to produce documentation regarding their migration status.[28]

27. States must guarantee the human rights of all children in the context of migration and displacement, by ensuring inter alia that every child born in such contexts is properly registered, without charge and regardless of the migration or residence status of their parent(s) or other guardians.[29] In addition to being an obligation under international human rights law, registering the births of these children is important to ensure equal access to rights and services, and accurate national data on the population in the host country. It can be essential in order to support a child's repatriation and return to his or her country of origin where appropriate.

G. Conflict and humanitarian situations

28. Armed conflict, humanitarian situations or other emergencies frequently disrupt civil registration processes, and lead to the destruction of birth records when no digital civil registration system is in place. They also present new challenges, or intensify pre-existing

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[25] Submission from Minority Rights Group.

[26] Mariana Muzzi, "UNICEF good practices in integrating birth registration into health systems (2000–2009)", UNICEF working paper (January 2010), p. 11.

[27] See A/64/213.

[28] See joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return.

[29] See principle 10 of the OHCHR and Global Migration Group principles and guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations.

weaknesses in civil registration systems.[30] The displacement of populations within or across borders further hinders birth registration and the retrieval of documents.

29. Children's vulnerability to violence and abuse is greatly heightened in such situations, yet it is significantly more difficult to trace and protect those children whose births are not registered. Thus, a continuity of reliable systems for registration in conflict and humanitarian situations can help to mitigate the many wider risks and vulnerabilities that children face as a result of the situation.

30. In addition, birth registration plays a central role in preventing the involvement of children in armed conflict, as it provides proof of age for those being recruited voluntarily or facing conscription. Following the involvement of children in conflict or other humanitarian crisis situations, information contained on their birth certificate can be essential to facilitate their return home and reunification with their families.

IV. Strengthening birth registration through good practices

31. In order to advance global efforts to realize the right to birth registration and achieve target 16.9 of the Sustainable Development Goals, it is essential to apply a human rights-based approach, including strategies to reach all children without discrimination. This requires building on good practices that have been demonstrably successful at registering the children who are the most marginalized and the hardest to reach.

32. Birth registration should be free and compulsory, and should take place immediately in the country in which the child is born. An accessible and efficient process for late birth registration should be in place for those children or adults who were for any reason not registered immediately at birth, which should be free from fines or other penalties.

33. If a child lacks a birth certificate, this should never be a reason to refuse their access to other essential services to which they have a right, including health, education, social welfare, and other forms of legal identification, such as an identity card or passport.

A. Overcoming barriers to accessing birth registration

34. Procedures for birth registration and certification should be made simple and accessible to all without discrimination, with special measures to reach children from the poorest and most marginalized or otherwise at-risk groups. Measures to support access to birth registration should include removing registration fees and fines or penalties for late registration; ensuring accessible and efficient processes for late registration in cases where children have not been registered at birth; removing requirements to provide prior documentation as a condition for registration where such documentation is difficult or impossible to obtain; ensuring that registration documents can be easily understood by all, and are made available in minority local languages and comprehensible formats; prohibiting data sharing between health providers or civil servants responsible for registration, and immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status.

35. The targeted efforts required to reach children at greatest risk of not being registered at birth depend on the particular circumstances of these children in each different national context. Programmes to reach them should be planned in consultation with the communities and children themselves, with the aim of overcoming all forms of discrimination, including on the basis of the child's or their parents' immigration status, social origin, sex, ethnicity, disability status, or birth out of wedlock.

36. In Chile, access to birth registration has been supported by allocating the responsibility to officials who are equipped to register children at a local level in all regions. Civil officers tasked with registering births receive dedicated training in laws

[30] Plan International, *Birth Registration in Emergencies: A Review of Best Practices in Humanitarian Action* (2014).

regarding birth registration. While the immediate registration of all births is a priority, provisions to accommodate late registration have contributed to increased registration rates. A programme of electronic "pre-registration" is also being piloted, whereby information regarding the expected birth of a child is registered during a mother's pregnancy.[31]

37. In Mexico, the right to legal identity and birth registration is recognized by the Constitution, which contains provisions to ensure that a lack of documentary evidence proving the identity of a child will not act as a barrier to guaranteeing his or her rights. Policies and programmes are in place to ensure the location and identification of unregistered children, who are primarily those living in rural municipalities and from certain population groups, including Chiapas, Guerrero, Oaxaca, Quintana Roo and Tabasco.[32]

38. In Togo, there is a legal obligation to report any unregistered child found abandoned or in other situations of vulnerability, to the authorities. In order to ensure birth registration for children in remote areas, mobile courts have been established in partnership with non-governmental organizations (NGOs) and UNICEF. Auxiliary registration centres have been set up in districts and villages to support access to birth registration for those living in rural areas who are not able to reach primary registration centres.[33]

39. In Montenegro, decentralized procedures involving local courts have been established, particularly to ensure the registration of children from the Roma, Ashkali and Egyptian population, who are at heightened risk of missing out on birth registration when they are born outside of medical institutions. Following legal reforms, local courts can now submit birth registration information to the civil registry, and those registering the birth are not required to pay any fees or taxes.[34]

1. Raising awareness

40. A central element of ensuring access to birth registration is ensuring that children, their parents or guardians and their wider communities are aware of the right to birth registration and of the responsibilities and benefits that go with it. All too often it is seen as a bureaucratic formality, and the consequences of non-registration are not understood. Reaching marginalized groups through culturally sensitive awareness-raising efforts has been effective in raising the demand for birth registration. Outreach may include awareness-raising campaigns through television or radio, or implementing local theatre and community discussion groups.

41. In Nicaragua, the Government partnered with UNICEF to implement a participatory project to strengthen birth registration within the most marginalized communities. In consultation with families, it was found that many parents regarded birth registration as a difficult, costly process with little direct benefit. Solutions were sought to integrate birth registration with existing local practices, and following a participatory planning process involving workshops with community leaders and representatives, local health centres were identified as suitable locations to install mobile registry points. Religious leaders agreed to play a key role in raising awareness of the rights and benefits associated with birth registration.[35]

42. In partnership with UNICEF and Plan International, the Government of Indonesia rolled out a decentralized birth registration system in over 60 districts, which functioned by building local capacity and giving authority and responsibility to village leaders, schoolteachers and midwives. Registration offices were established in remote areas, and public information campaigns were carried out to raise awareness about the importance of birth registration, which led to increased public demand for civil registration. This initiative

[31] Submission from Chile.
[32] Submission from Mexico.
[33] Submission from Togo.
[34] Submission from Montenegro.
[35] UNICEF, "Prototyping human-centered policies for children in Nicaragua", 15 January 2016, available at https://blogs.unicef.org/innovation/prototyping-human-centered-policies-for-children-in-nicaragua/.

also enabled a follow-up programme on women's rights, involving citizen dialogues on birth and marriage registration, thereby addressing the issue of child marriage.[36]

2. Integration with national services

43. Integrating birth registration processes with other State services and structures, for example by offering registration alongside primary health-care services or immunization programmes, has demonstrated strong results for children who would otherwise miss out on birth registration. Such an approach can be especially helpful to reach children in situations of conflict or humanitarian crisis.[37] However, access to essential services to which children have a right should never depend on a child being registered or holding a birth certificate.

44. In Sierra Leone, Plan International supported the development of an integrated system of immunization services together with birth registration services. This proved to be a cost-effective method through which a single programme could be delivered to ensure more efficient delivery of both services at the same time, and supported the expansion of birth registration.[38]

45. In the Dominican Republic, birth registration takes place directly in hospitals where registration facilities have been installed. Certain aspects of registration are also carried out in maternal and infant care facilities. Laws have been developed to support the late registration of children from excluded groups of the population, in partnership with the electoral registry council, which follows up on civil registry data and takes stock of hospital-based birth registrations on a monthly basis.[39]

46. In Germany, there is collaboration with the health service to ensure birth registration, and the notification of a birth by the medical professionals or others present is compulsory, whether it occurs at a hospital, another birth facility or outside of such facilities. In cases where documentation required for the issuance of a birth certificate is missing, there are alternative means of satisfying these requirements, such as witness testimonies or the acceptance of other documents.[40]

47. In Sudan, the Ministry of Health, in partnership with the World Health Organization, UNICEF and Plan International, integrated birth registration within its regular annual vaccination campaigns, including as part of its expanded national immunization programme. This enabled civil registrars to access children born into conflict-affected areas, remote rural communities, and situations of internal displacement, and thereby significantly increased the rates of birth registration among children at risk.[41]

3. Mobile birth registration

48. The Committee on the Rights of the Child has noted that an effective system of birth registration must be flexible and responsive to the circumstances of families, for example by providing mobile registration units where appropriate. Initiatives in which mobile birth registration units have been deployed to register children in rural, isolated or otherwise excluded communities have often been effective at reaching children who would otherwise not be registered. However, such measures tend to be short-term or temporary, and there is a need to ensure their full integration with national registration systems through sustainable approaches, including sustainable financing of the associated costs.[42]

49. In Uganda, in partnership with UNICEF and Uganda Telecom, the National Identification and Registration Authority implemented an innovative technological solution in the form of a Mobile Vital Records System. The Mobile Vital Records System was developed to address the bottlenecks of the paper-based system, and to simplify and

[36] Submission from Germany; and Plan International, *Birth Registration in Emergencies*.
[37] Plan International, *Innovations in Birth Registration* (2017).
[38] Submission from Plan International.
[39] Submission from the Dominican Republic.
[40] Submission from Germany.
[41] Submission from Plan International.
[42] Plan International, *Birth Registration in Emergencies*.

decentralize the registration process. By utilizing community health facilities and refugee registration sites as mobile registration points, birth registration rates have been increased to reach many children who would otherwise not be reached.[43]

50. In Colombia, the Office of the United Nations High Commissioner for Refugees (UNHCR), in partnership with Plan Colombia, established mobile civil registration units to register children in communities living in isolated areas, targeting ethnic minority groups and people displaced by armed conflict who had no proof of identity. The National Civil Registry of Civil Status received technical assistance to develop birth registration policies and responses, and was supported in developing a specialized Vulnerable Populations Attention Unit.[44]

4. Innovative solutions and the use of technologies

51. The use of technology, particularly to implement digital civil registration systems, can facilitate the exchange of information between different government departments responsible for public services, and improve efficiencies in data collection and the accuracy of vital statistics. Using digital technologies in birth registration processes can also expand the reach of registration by streamlining processes and overcoming geographic and administrative barriers.[45] The digitization of registration systems helps to safeguard against the risk of losing birth records during conflict or emergencies.[46]

52. States should consider the use of digital technology in civil registration systems where appropriate, in partnership with relevant stakeholders including NGOs and technology providers. Innovative technological solutions should be grounded in human rights principles and standards, and need to be tailored to the specific requirements and constraints of each national context. Recognizing that technology alone cannot bring about change, digital birth registration programmes should be fully integrated within holistic programmes whereby the use of technology is one of multiple enabling factors.

53. In Cambodia, UNICEF is utilizing mobile technology to improve birth registration, through an initiative to address the challenge of communes running out of birth registration documents. As these were not being consistently restocked in a timely manner within certain commune offices, families were being turned away when attempting to register a child's birth. In partnership with the General Department of Identification, UNICEF implemented an interactive voice response system, which, in combination with the use of RapidPro technology, automatically notifies the Government of low stock levels, helping to ensure that communes are consistently equipped to continue providing birth registration.

54. In the United Republic of Tanzania, in partnership with UNICEF, the Government implemented a decentralized birth registration programme with the help of mobile phone technology, supporting the registration of an additional 220,000 children under the age of 5 within four weeks in the regions of Iringa and Njombe. The mobile phone technology, created by the Registration, Insolvency and Trustee Agency, enabled efficient collection, verification and storage of birth registration data, and provided real-time data for monitoring progress. Local government authorities were authorized to take responsibility for registration, and the programme strengthened outreach to children in rural areas by utilizing local health facilities and ward executive offices as registration points. In addition, midwives, community health workers and traditional birth attendants were trained as birth "notifiers", using their mobile phones to send a message to central government offices, as a first step towards issuance of a verified official birth certificate. The Registration, Insolvency and Trustee Agency system has now been rolled out in additional target regions in the United Republic of Tanzania, including Temeke, Mbeya and Mwanza.

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[43] Submission from Plan International.

[44] Plan International, *Innovations in Birth Registration*.

[45] Plan International, *Identifying and Addressing Risks to Children in Digitised Birth Registration Systems: A Step-by-Step Guide* (2015).

[46] Submission from Plan International.

55. In Switzerland, interdepartmental management of electronic data helps to make birth registration processes more accurate and efficient, and births are recorded in an electronic civil register. In order to streamline administrative procedures, the country has implemented an electronic data harmonization programme through which common data is electronically exchanged between administrative registers. This has supported interdepartmental coordination on birth registration and other data, and enabled the simplification of administrative tasks across different service areas.[47]

56. Plan International's Birth Registration Innovation Team is in the process of developing an open source civil registration and vital statistics software platform, on the basis of United Nations standards, which will offer countries seeking to digitize their civil registration and vital statistics systems free access to this software. It is possible to adapt the software to each national context and integrate it with existing services in which civil registration and vital statistics data is already collected, such as health systems and population registers.[48]

B. Countering gender discrimination

57. It is critical that States overcome gender discrimination, particularly with respect to nationality laws, civil registration requirements, and gender-discriminatory societal attitudes, which are major obstacles to birth registration in certain national contexts. For example, gender-discriminatory laws imposing criminal penalties on unmarried parents who seek to register their children's birth, and social stigma against unmarried parents and children born out of wedlock, are obstacles to birth registration. Gender-specific programmes are needed to ensure birth registration for children who are at heightened risk of missing out due to being born of single mothers or female-headed households, or out of wedlock.

58. Gender-discriminatory nationality laws must be abolished in order to ensure non-discriminatory birth registration and address the root causes of statelessness. In particular, women and men should be able equally to confer citizenship on their children.

59. Specific legal provisions and policy changes are needed in many countries to ensure the registration of intersex children, who are at risk of non-registration, discrimination and discriminatory medical practices. Sex registration laws should include provisions for an intersex category to be noted on birth registration forms, such as an "I" or other third category symbol in addition to "M" or "F". It should also be possible to delay the sex registration of intersex children on their birth certificate with no fixed time limit, until the child is able to make an informed decision and voluntarily register under the "M" or "F" category or another category.

C. Protecting children with disabilities

60. To support the birth registration and protection of newborn children with disabilities, States must take steps to combat the social stigma and discrimination that they face, and raise awareness about their rights. It is also important that parents, government officials, religious leaders and medical personnel are informed about the importance of birth registration for children with disabilities and the role that it plays in the fulfilment of their other rights.

61. Information about birth registration should be made accessible to persons with disabilities, and available in alternative formats and multiple languages, to ensure that parents with disabilities can access this information. Discriminatory laws, policies and practices that restrict the registration of births of children with disabilities in any way, or

[47] Submission from Switzerland.

[48] UNHCR, "Ensuring birth registration for the prevention of statelessness" (2017); and submission from Plan International.

prevent them from obtaining nationality on an equal basis with children without disabilities, must be eliminated.

62. General measures to expand the accessibility of birth registration also do so for children with disabilities; for example, increasing the number and reach of registration facilities, simplifying administrative procedures and prior documentary requirements, ensuring provisions for late birth registration and eliminating fees and penalties associated with birth registration, reaching families in rural areas and refugee camps through targeted programmes such as mobile registration units, and using technology to digitize the civil registration system. In monitoring birth registration results at the national level, disaggregated data on birth registration rates is needed, including on the basis of disability.

D. Reaching indigenous and minority communities

63. Consistent with the principle of free, prior and informed consent, as enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (art. 19), any reforms or proposed changes to birth registration systems should be undertaken after proper consultation with, and the participation of, indigenous communities and their representative organizations. Any discriminatory laws and policies in this regard, including as an unintended consequence, should be identified and addressed.

64. The particular barriers to birth registration faced by indigenous and minority communities need to be assessed in each national context, and targeted measures need to be taken to address them. Such measures could include provisions for late birth registration, including of adults, simplified administrative processes, making relevant forms available in indigenous and minority languages, eliminating discriminatory ethnic or religious data from registration procedures, and foregoing documentation requirements such as parents' birth certificates where these are difficult or impossible to obtain. Witness statements or testimonies could be accepted instead of prior documents where necessary to ensure birth registration.

65. In Argentina, the Government is strengthening birth registration among indigenous peoples through mobile registration, by removing barriers to access to birth registration and by integrating registration with other services. Immediate, compulsory, efficient and free procedures for registering the births of newborns are guaranteed by law for all children. Recent rights-based legal provisions have supported late birth registration for children up to 12 years of age, particularly targeting indigenous persons who in many cases did not hold a birth certificate or national identity document. This is supported by cooperation with the education system, whereby the Federal Council for Children, Adolescents and Family requested schools to report on the enrolment of unregistered children. The Government has also rolled out mobile registration facilities in order to bring birth registration closer to indigenous peoples and other hard-to-reach population groups.

66. In Serbia, birth registration is being expanded among the minority Roma community through regulatory changes and a range of activities on the ground carried out in a partnership between UNHCR, the Ministry of Public Administration and Local Self-Government and the Ombudsman's Office. These include provisions for late registration and targeted measures to overcome discrimination and reach marginalized children. Following legal amendments, the right to birth registration now applies to all children, regardless of the timing of the birth registration or parental status. The omission of information on the ethnicity or national status of a child from the national register was crucial to expanding registration among Roma children. In collaboration with partners, child rights-based capacity-building for judges and relevant officials was conducted in order to counter discrimination. Public awareness-raising campaigns promoting birth registration were also implemented, and birth registration services were integrated with health services. Special visits were made to informal settlements to register children,

through which communities were consulted on how birth registration could be further supported.[49]

E. Preventing and addressing statelessness

67. Possession of a birth certificate is, in some countries, a requirement to establish a child's nationality or obtain further documentation proving nationality, such as national passports or identity cards. In some countries, a birth certificate on its own is seen as proof of nationality, especially where nationality is acquired automatically on the basis of birth in the country. It is important to clarify, however, that registering a child's birth usually does not confer nationality, which is acquired through a State's specific nationality law, implemented through separate processes that are distinct from birth registration. Nonetheless, as birth registration often serves as a crucial document and first step to prove a child's origins and links with a State, strengthening rates of and access to birth registration is fundamental to preventing and addressing statelessness.

68. Ensuring access to birth registration, including for displaced peoples for whom a birth certificate is an essential means of proving legal identity, is a political and policy priority in Thailand. The country's reform of the Civil Registration Act in 2008 ensured that birth registration would not be limited to children of Thai nationals, and would be provided as a right to all children regardless of their parents' nationality and legal status. This enabled members of stateless communities, such as "hill tribe" communities living in remote areas, to register their children's births. Multiple further measures to ensure birth registration and grant nationality where applicable to prevent statelessness have been implemented, including legal reform and related guidelines, developing an online registration system linking hospitals with registration offices, building the capacity of local registration officials, and awareness-raising through outreach to community networks. In addition, provisions for late birth registration are in progress with the aim of addressing statelessness.[50]

69. In Turkey, the children of non-nationals are entitled to birth registration and residency rights in accordance with the residency rights of their parents, and by law are provided, after their birth, with a residence permit relevant to their situation. Children who are stateless are entitled to stay in Turkey legally if they are identified as stateless persons, and any child born in Turkey who does not acquire citizenship at birth from his or her parents is entitled to Turkish citizenship from the moment of birth. These legal and policy provisions ensure that children born of parents living in Turkey as stateless persons are registered as Turkish citizens, helping to prevent the transfer of statelessness across generations.[51]

70. In Kenya, obstacles to birth registration, including high transport costs, poverty and illiteracy, particularly affect communities in rural areas and in areas where stateless people live, particularly in the counties of Kwale and Kilifi. In collaboration with UNHCR and NGOs, the Government has decentralized birth registration through mobile birth registration exercises and integrated implementation with community health services in remote and hard-to-reach areas. These measures have extended birth registration to stateless people living in previously unreached parts of the country.[52]

F. Ensuring continuity in conflict and humanitarian situations

71. Conflict and humanitarian situations are increasing globally, and a preventive approach in which birth registration data is permanently and securely stored is essential. Birth registration data or documentation often serves as a crucial form of proof of identity

[49] Submission from Serbia; and UNHCR, "Ensuring birth registration for the prevention of statelessness".

[50] Submission from Thailand.

[51] Submission from Turkey.

[52] UNHCR, "Ensuring birth registration for the prevention of statelessness".

for refugees and displaced children at risk of statelessness, including, where relevant, to facilitate their repatriation. Permanent storage of birth registration records safeguards against the loss or destruction of birth certificates and related data that often occurs during conflict and humanitarian situations. The digitization of civil registration systems and birth registration data is important in order to achieve this.

72. Humanitarian organizations seeking to maintain birth registration may also rely on mobile registration units to reach remote, conflict-affected areas or displaced populations, alongside other approaches such as the integration of birth registration with the delivery of emergency services at the local level.[53] And yet, measures to maintain birth registration once a conflict or other emergency has broken out tend to be temporary, and inadequately integrated with core national civil registration systems, which are often disrupted in such situations. It is crucial that emergency birth registration programmes be integrated in a sustainable manner into national systems, even if it is only once the situation has begun to stabilize.[54]

73. In Lebanon, UNHCR has raised awareness among Syrian refugees of the right to and processes for accessing birth registration, in partnership with multiple actors. Procedures have been implemented to ensure that data on children from refugee families who are registered with UNHCR is updated with all new births occurring in Lebanon among refugee families. Parents are advised on an individual basis by UNHCR staff about processes for accessing birth registration, and those in situations of particular vulnerability are referred to legal partners trained to assist them throughout the birth registration process.[55]

74. Plan International carried out mass birth registration drives to support the issuance of birth certificates for South Sudanese refugee children born in the country. As a result, additional continuous birth registration services were established in certain health facilities and refugee registration points, which benefited from the raised awareness about birth registration that had been generated during its campaigns.[56]

G. Monitoring and data management

75. Ensuring that birth registration is integrated within comprehensive well-functioning civil registration systems is fundamental to national planning, and to the design of policies that take account of the situation of all children living within a country. There is an important commitment to ensuring improved and disaggregated data in the 2030 Agenda for Sustainable Development. Human rights principles and standards should be applied to support this aim, and throughout processes of monitoring, data collection and data management.

76. Any data that may be used to discriminate against a child should not be recorded on their birth certificate or in civil registries, such as those pertaining to race, ethnicity, religious beliefs or his or her parents' marital status. Only the minimum information necessary should be recorded, such as the child's and parents' names and address, the child's gender, and the date and place of birth. The father's name and other details should not be required, as this can lead to discrimination or prevent a child's registration in certain circumstances.

77. Birth registration and other civil registration data should be stored by governments in a manner that is secure and permanent. The rights to privacy and access to information must be consistently respected and upheld, and children's personal data should be managed in a manner in which it cannot be destroyed, is kept confidential by law, and can be easily retrieved at any stage of their lives. Implementing digital birth registration and civil

[53] Plan International, *Birth Registration in Emergencies*.

[54] Ibid.

[55] UNHCR, "Ensuring birth registration for the prevention of statelessness".

[56] Submission from Plan International.

registration systems is the most secure approach to protect children from the loss of their data, particularly due to conflict or humanitarian crisis.

V. International and regional cooperation

78. International cooperation on birth registration will be critical to the realization of this right for children in all countries, and to fulfilling the 2030 Agenda commitment to do so under target 16.9 of the Sustainable Development Goals. Technical cooperation and the provision of development finance are essential to bolster resources at key moments of progress, such as the digitization of civil registration systems, alongside cooperation in the sharing of good practices between countries in similar circumstances. While each country is unique and there can be no "one size fits all" approach, practices that have demonstrably been effective in expanding children's access to birth registration should be adapted to be made relevant and replicable in different contexts.

79. A new set of global principles, the Principles on Identification for Sustainable Development, have been developed, which are aimed at strengthening identification systems and supporting the implementation of target 16.9, in the context of the World Bank's Identification for Development initiative. The Principles, the first of which is "inclusion", highlight the imperative of leaving no child behind and call for the prioritization of programmes to strengthen civil registration and vital statistics in national development plans.

80. Regional organizations are key to strengthening cooperation and the sharing of good practices. A range of regional platforms and initiatives have been established to facilitate cooperation in this respect, including the Africa Programme on Accelerated Improvement of Civil Registration and Vital Statistics Systems, and the Regional Civil Registration and Vital Statistics Steering Group for Asia and the Pacific, among others. The progress made through these and other regional efforts shows that collaboration at this level is essential in order to bring about peer-to-peer learning and support among governments.[57]

VI. Conclusions and recommendations

81. **Millions of children are still being born without leaving a trace in civil registration systems, and risk remaining invisible and uncounted by governments throughout their lives. Providing birth registration and legal identity to all children immediately they are born is a human right, and a crucial step towards protecting them from violence, abuse, exploitation and other rights violations. Whether or not a child is registered at birth has implications for realizing all rights throughout his or her life.**

82. **Yet it is the children who are the most marginalized and living in vulnerable situations who continue to miss out on birth registration, such as children living in situations of conflict, poverty or emergency, children belonging to minority groups, children with disabilities, indigenous children, and children of migrants, asylum seekers, refugees and stateless persons. Achieving universal birth registration and legal identity by 2030 means reaching these children effectively, and reaching them first through targeted measures.**

83. **To this end, international and regional cooperation, as well as cooperation between stakeholders at the national level, is crucial. A human rights approach should be applied throughout the birth registration process, and in monitoring and the management of data. While there is no "one size fits all" solution, certain practices summarized in the present report have been effective and can be adapted and applied to support the achievement of universal birth registration in all countries. In this respect, States should:**

[57] Submission from Plan International; and UNHCR, "Ensuring birth registration for the prevention of statelessness".

(a) Take all measures necessary to ensure that all children are immediately registered at birth and issued with birth certificates, irrespective of their migration status or that of their parents;

(b) Identify and reform laws or policies which discriminate against children and compromise the realization of their right to birth registration, including those which may lead to discrimination as an unintended consequence, on the grounds of the child's or his or her parents' gender, ethnicity or religion, language, migration status, social origin, disability or birth out of wedlock;

(c) Remove legal and practical barriers to birth registration by raising awareness of the associated rights and benefits; eliminating registration fees and fines for late registration; ensuring procedures for late registration; removing documentation requirements that are difficult or impossible to fulfil; ensuring that registration documents are accessible, comprehensible and available in minority and local languages; ensuring that only the minimum information is recorded on birth certificates; prohibiting data sharing between health providers or civil servants responsible for registration, and immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status;

(d) Implement targeted programmes to reach children living in the most remote and excluded circumstances, including by integrating the provision of birth registration with the delivery of other essential services, particularly health services; and utilizing mobile registration units, technology and other innovative solutions to advance decentralized registration procedures;

(e) Ensure continuity of birth registration during and after situations of conflict and humanitarian crisis, and prevent the loss of children's personal data through the permanent storage of birth registration and other civil registry data in digitized registration systems.